

Toxicology Advisory Board
Minutes
November 29, 2011

Location: State Department of Toxicology

Board Members Present: Linda Chezem, Dr. James Klaunig & Mike Medler

Other Attendees: David Powell, Chris Daniels, Jennifer Haley, David Wedding, Larry Landis, Amy Summerfield, Ryan Klitzsch, J.J. Paul, Tim Evens, Ed Zych, Terri Kendrick, Dr. Krieger, Mark (from Intoxilizers)

1. Judge Chezem convened the meeting and asked everyone to introduce themselves.
2. Judge Chezem asked to hold off on September 9th meeting minutes until the next meeting.
3. Judge Chezem asked Dr. Krieger to provide a general update.
4. Dr. Krieger noted that all BAC test results are coming back well within 10 days. He noted that drug results were being made available in about 3-4 weeks.
5. Judge Chezem asked that Dr. Klaunig Chair the new business portion of the meeting to seek public input on the breath testing procedures.
6. Dr. Klaunig opened up the floor asking for comment on the protocol for breath testing. Dr. Klaunig added that Mark from Intoxilizers can answer specific questions regarding the breath testing instrument.
7. Mark from Intoxilizers noted that they randomly selected six instruments and took them back to their office in St. Louis to test them. Testing on the dry gas simulators showed they were spot on. Mark also noted that the testing of the instruments using wet gas was spot on as well.
8. Dr. Klaunig looked for input on the 20 minute wait period that currently exists and if changes to it are needed. Amy Summerfield noted that case law has been established on the current application of the 20 minute rule. Larry Landis noted that the defense wants a reliable process that begins when the officer sits down with the suspected impaired driver and pushes a button to begin the 20 minute time at the instrument to begin a countdown.
9. Dr. Klaunig then moved on to ask for comments on the one test versus two tests on the instrument. Larry Landis noted that two tests brings more certainty. Mike from Intoxilizers noted that research has indicated that two tests are preferred. He went on to note however that 12-13 states currently use one test.

10. Dr. Klaunig noted that he has not heard any comments or concerns about the dry gas simulator.
11. Dr. Klaunig noted that written comments from attendees regarding the discussions from this meeting should be sent to Ryan Klitzsch for incorporation in the meeting minutes.
12. Judge Chezem noted that they next meeting will occur on December 9, 2011.